

CARTER, IN OPEN LETTER TO MAYOR, SAYS LAW IS DODGED

Former Governor Declares City
Treasurer Has No Authority
to Borrow Pay-Roll Money
from Banks — Fern Declines
to Make the Communication
Public

M'CARTHY SAYS THERE IS A MISUNDERSTANDING

Treasurer Explains That War-
rants Are Cashed and Held
by Financial Institutions Un-
til Funds Are Forthcoming, 5
Per Cent Being Allowed

Drawing attention to what he says
is a disregard by City and County
Treasurer McCarthy in borrowing
money from local banks to tide over
municipal stringencies, Former Gov-
ernor George R. Carter today wrote
an open letter to Mayor Fern, vigor-
ously criticizing the arrangement to
meet last Saturday's city pay-roll and
previous arrangements of a similar
kind.

In the same letter Mr. Carter draws
attention to the fact that last week he
found three county wagons busily en-
gaged in hauling dirt from a Pawaia
lot to fill a side-alley leading to the
home of Thomas J. Kennedy, recently
appointed road overseer.

"The man in the street would like
to hear an explanation of these things,
and he is entitled to it from the public
officials," said Mr. Carter today.

The letter follows:

"Hon. J. J. Fern, Mayor City and
County of Honolulu, City.

"Dear Sir: When high public offi-
cials refuse to do that which the
law provides for, they unconsciously
prepare the ground for a harvest of
graff. The line of duty between
right and wrong then becomes a mat-
ter of individual opinion, and the lower
public officials naturally begin to
do as they please. The testimony of
convicted grafters rarely shows up a
man who deliberately intended to do
wrong. They simply have lost their
sense of judgment and suddenly find
their ideas differ from those of the
courts.

"Now, I think a citizen who winks
at irregularities has little cause to
kick over losses due to embezzlement
or its prosecution, and a citizen who
is indifferent does not do his full
duty. Hence these questions to you,
the official head of the city and county
government.

Ask Explanation

"Can you, or those officials more
directly responsible, explain publicly
how the county treasurer all by him-
self can quietly borrow money from
the banks, as stated in the local
press, in the face of the fact that in
constructing our county government
no such power was granted?

"The bank may conceive it evidence
of local patriotism to 'help the county
out' for a consideration, or its attorney
may give a favorable legal opinion
which differs from that of other
attorneys. But the fact remains that
the county has no powers beyond
those given by the people, and as the
people usually desire to know all
about their own affairs so they pro-
vided in detail just what they wanted
done when there was no cash in the
treasury. See S. L. 1907, Act 117,
Secs. 39-104. (See sections quoted be-
low.)

To those who make other arrange-
ments for financing the county think
their disapproval of the plan provided
a justification for setting it aside?

"We are so accustomed to condone
offenses that I presume many would
think it unfair to appeal to the courts,
and on favorable decision force the
banks to lose these advances even if
there was no misuse of the money.

"Again, how can we expect subordi-
nate and minor officials to fully do
their duty regardless of their own
opinion when they see certain bank-
ers and the city treasurer get around
the plain intent of the county act?

How About This?

"And finally, can you tell me why
when three county wagons, six county
mules, and three drivers (whose
names I have) are engaged in hauling
dirt to fill a little side alley off Ena
road, which leads into the rear of the
assistant county road superin-
tendent's residence? Why I ask
should they dump any of that filling
in the yard of that county official?
And why should the superintendent
of the stable at Kakaako give em-
ployment to a water-car driver when
there is no street-watering needed by
sending him out to spread the dirt
around the other official's back yard
and the insignificant alley? To the
man in the street these transactions
seem odd and if there is a satisfac-
tory explanation, he needs it. Surely
these instances do not illustrate the
kind of administration the Democratic
party promised the voters. Nor do
they inspire confidence?

"Very sincerely yours,
"G. R. CARTER."

How the Law Reads

The sections in the session laws of

(Continued on page eight)

REGAL

The Original Underlying Car, Noted
for Economy, Comfort and
Durability.

JOHN KELLETT DISCHARGED BY SHERIFF JARRETT

Move for Reinstatement Will
Be Made Before Civil Serv-
ice Commission Tomorrow

FIGHT PROMISES TO BE LONG AND BITTER ONE

Negro Charges 'Brutality' Was
Administered When He (the
Negro) Was 'Lawfully
Drunk'

In line with Sheriff Jarrett's pro-
gram, as outlined in the Star-Bulletin
Saturday, Detective John R. Kellett
was discharged this morning. A fight will
be made tomorrow morning before the
civil service commission for his im-
mediate reinstatement. With Deputy
Attorney-General Arthur G. Smith on
one side, supporting the action of the
removing authority, and E. C. Peters
on the other, with a defense which
may carry with it sensational charges
involving several officers of the police
department, who are expected to give
evidence against Kellett, the fight may
be long and bitter.

Aside from its deciding whether the
alleged causes are or are not sufficient
to warrant the discharge of Kellett,
the hearing tomorrow may be the ba-
sis of a test suit on the powers of the
commission. Neither of the attorneys
in the case, however, has raised the
point of the commission's jurisdiction
thus far, and neither of them has in-
timated that he will.

The commissioners are known to be
willing for such a test case to be in-
stituted. They wish the act of the
legislature which created their body
to be interpreted. If any plan is under
way for such a suit to be started, it
will no doubt be made known follow-
ing the hearing tomorrow. For by
submitting to whatever order the com-
mission may make, the parties will
no doubt be deemed to have waived
any objections to the authority, as-
sumed or real, of the commission.

Kellett is confident that he will be
reinstated.

The hearing tomorrow will begin at
9 o'clock and will take place in the
chamber of the supervisors. A great
deal of interest is shown in the case,
and Kellett's confidence that he will
be able to succeed in disproving ev-
ery charge against him is also voiced
by many of his friends. Peters has
gone thoroughly into the case, and
while not making the defense known at
this time, he is also confident of suc-
cess.

There are three different charges
against Kellett. The first one alleges
his brutal treatment of four prison-
ers, the second that he is wearing a
watch and ring belonging to a prison-
er, and the final one accuses him of
taking evidence money from about a
dozen games. The amounts of the
money alleged to have been taken by
him from gambling games range from
one dollar to about \$15.

One of the complainants against
Kellett on the score of brutality is
Clarence Robinson, a negro who has
figured with remarkable frequency in
police court proceedings. The negro
has made a statement to Deputy At-
torney-General Smith setting forth that

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JOHN WISE SAYS BIG ISLAND VOTE BEGINS TO SPLIT

Thinks Non-Partisanship Like-
ly to Become Feature of the
Next Campaign

John H. Wise, prominent Republi-
can and generally regarded as an im-
portant cog in the workings of the
"invisible government" in Honolulu—
as A. L. C. Atkinson and other Bull
Mooses call it—is in Honolulu after
a long stay at his home on Ha-
waii. And John Wise says that the
voters of the Big Island are taking
non-partisan politics strongly and
earnestly.

"Politics is hot on Hawaii and
everybody is anxious to know what
the developments will be under the
new primary law," said Wise this
morning. "The general opinion seems
to be that party organizations are go-
ing to suffer, and it looks very much
as though the non-partisan idea is
going to be popular. There is dis-
satisfaction with both the Republican
and Democratic parties on the Big
Island."

Wise says that Delegate Kuhio is
strong on Hawaii. "He has plenty of
firm supporters up there, but there is
no doubt that Link McCandless will
again be a candidate who must be
reckoned with."

Wise is engaged in homestead-
ing on a new project in the Waimea
district. "A large number of families
are going to live on the land and some
are living there now. The houses are
being put up and we have about 70
acres of land ploughed. The weather

Judge Cooper Has Not Resigned, He Cables to His Son

Meeting to Indorse Successor
Will Now Probably Not
Be Held

Circuit Judge Henry E. Cooper has
not resigned from the bench.
Accordingly it is likely that a
meeting of the Bar Association called
for tomorrow afternoon to discuss the
indorsing of a successor to Judge
Cooper will not be held.

Alfred D. Cooper, the judge's son,
this morning received a cablegram
that settled the question which arose
a few days after it was reported here
from Washington that the jurist had
fired his resignation with the attorney-
general. Alfred Cooper cabled his
father as follows last Friday:

"Have you resigned?"

This morning he received the fol-
lowing cablegram from Judge Cooper
at San Francisco:

"No. Sail Sonoma."

And this is naturally taken as au-
thoritative.

GEN. FUNSTON SAYS NO REPORT MADE TO DEPT.

Thorough Investigation Is Be-
ing Made of Alleged Assault
—Soldier Arrested

A soldier of the 25th infantry,
whose name is withheld on the chance
that he has no connection with the
affair, was this morning arrested on
suspicion of being one of the men im-
plicated in the alleged criminal as-
sault on a respectable Japanese wo-
man a few nights ago, and the beat-
ing-up of the husband when he tried
to interfere. Although no report of
the affair has been made to army
headquarters, General Funston, act-
ing on the published accounts of the
affair, this morning instructed Col-
onel Kennon, commanding the 25th,
to make an investigation. It de-
veloped that the regimental commander
had already taken the necessary
steps, and as the result, the suspect
was apprehended before noon today.

"If this matter had been reported
promptly to this office, there would
have been little chance of the men
escaping, if they were guilty," said
General Funston this morning. "It
would have been extremely difficult to
trace such an act to a white soldier,
because there are so many different
organizations, but when a colored sol-
dier is accused the investigation nar-
rows down to a single regiment, and
if the report is made promptly, it is
comparatively easy to trace the move-
ments of the men on pass. After sev-
eral days have gone by it is much
more difficult. I regret exceedingly
that this office was not notified of the
alleged assault promptly, so that we
could be surer of getting the right
men to answer for it."

CAPTAIN M'DUFFIE IS INVESTIGATING CASE OF ALLEGED ASSAULT

Captain of Detectives McDuffie is
investigating this afternoon the case
of Mrs. K. Hashimoto of Iwilei road,
a Japanese woman who is said to
have been assaulted. There is con-
siderable doubt on the facts of the
case, and in order to get to the bot-
tom of it, McDuffie has taken up the
investigation personally.

According to the first report, the
woman was attacked by United States
soldiers, who entered her house, and
according to a Japanese newspaper,
the woman was cruelly treated. No
report of the affair has been made to
the police, it was stated today.

WHITE MEN TAKEN BY M'DUFFIE IN RAID ON SATURDAY NIGHT GAME

The muffled click of poker chips
attracted the attention of captain of
Detectives McDuffie and three officers
in passing along Richards street last
Saturday night. Before leaving the
locality, the minions of the law in-
duced nine alleged players of the law-
ful game to accompany them to the
police station.

The fair of the festive tiger was
located in the quarters formerly oc-
cupied by the once renowned "Phoney"
Davis. Five white men, two colored
soldiers and two Porto Ricans were
caught in the endeavor to woo fickle
fortune with the assistance of the
pasteboards.

In calling the case at district court
this morning but two defendants ap-
peared for trial. Bail to the amount
of \$10 was declared as forfeited for
the absentees. The man accused of
running the game was fined \$15, the
other defendant \$5.

WOMAN HOLDS HOME AGAINST POLICE FORCE

Mrs. Angus McDonald, Left
Destitute, Refuses to Allow
Creditors on Premises

MOTHER CARES FOR HER TWO LITTLE OFFSPRINGS

Minions of Law Guard House
but Wife of Missing Man
Will Not Give Up Fight

Forced to sit continually behind
locked doors in order to prevent the
law from stepping in and taking from
above the heads of herself and her
two little bodies the house with its fur-
niture which, she claims, rightfully be-
longs to her, and rendered practically
destitute through being unable to se-
cure funds from any source, Mrs. An-
gus McDonald, wife of the former
local contractor who some months
ago went to the mainland and left
behind him several angry creditors,
this morning told to the Star-Bulletin
the story of how, as she expressed it,
she has been "shamefully treated by
her husband's creditors and other
persons."

When Angus McDonald left the ter-
ritory about the first of the year,
the story soon came out that he had
gone to escape a number of creditors
who were pressing "him for money,
but the tale did not carry the story
of the wife and two boys whom he
left behind with barely enough money
to carry them six months and with no
promise of keeping them supplied
with money. Rumors of Mrs. McDon-
ald's alleged destitution were heard
for the first time this morning and a
representative of the Star-Bulletin
calling upon her, found her sitting in
the parlor of her home on Beretania
and Piliok streets with the doors
locked to prevent, she said after-
wards, the representatives of the law
coming in and taking her house and
furniture to satisfy her husband's
creditors.

Destitute Woman Tells Story.

"There is little to tell, except that
I and my two boys have been shame-
fully treated by my husband's credi-
tors and other persons," said Mrs.
McDonald. The two little boys, one
of whom attends school, sat near
their mother, and when the mother
mentioned the question as to whether
the house was policed, the youngest
ran to the door, looked out for a mo-
ment, and then called back "There is
a policeman out in front of the house
now." Mrs. McDonald then told her
story.

(Continued on page four)

'RAILROADING' LATEST CHARGE AGAINST HALSEY

'Nigger in Woodpile' in Beri-
beri Case is Contention of
Attorney Lightfoot

Attorney Joseph Lightfoot has
been given until 10 o'clock next Wed-
nesday morning to produce evidence
in federal court supporting the af-
davit he filed last week in the habeas
corpus case of Masuichi Tanaka, in
which he averred the Japanese was
held at the federal immigration office
without medical treatment, though
the attorney was convinced the man
was suffering from beriberi.

Pleading before the court this
morning for an order for the man's
examination by an independent physi-
cian, Attorney Lightfoot added to his
sensational charge of last week by
declaring the immigration officials
had already made one abortive at-
tempt to ship Tanaka back to Japan,
and that he, Lightfoot, believed there
was a "nigger in the woodpile," some
mysterious motive not yet divine by
him, back of the immigration depart-
ment's general action in the Tanaka
affair.

The attorney asserted that Immi-
gration Inspector Richard L. Halsey
some time ago assured Tanaka's
counsel that a certain expected order
from headquarters at Washington
had not arrived, and that when it did
come he would so notify Lightfoot.
Late the same day the attorney stated,
he learned that an outgoing
steamer bound for the Orient bore
Tanaka. By some quick work he
said he had reached the vessel and
succeeded in removing the Japanese.
bringing him back to Honolulu. He
said the order from Washington had
come that day, probably after Halsey
had discussed the matter with him,
and that the inspector had tried to
"railroad" the Japanese out of the
country.

Judge Clemons said there was
some doubt in his mind as to his au-
thority to order a medical examina-

AMERICANS AND FOREIGNERS POUR OUT OF MEXICO; HUERTA TRIES TO FORM NEW CONGRESS

Warnings of U. S. and German Embassies Send Residents
Hurrying to Seaports — Slaughter of Federal Prisoners
at Juarez Denied by Carranza, Though Report of Execu-
tions Is Confirmed

(Associated Press Cable)
MEXICO CITY, Mexico, Nov. 17.—In terrified expectation of scenes
of riot and murderous disorder worse than anything in the past, Ameri-
cans and foreigners of all kinds are in general and wholesale exodus from
the capital and are hurrying to the seaports to embark for haven abroad.

Huerta Tries to Recruit a Congress
MEXICO CITY, Mexico, Nov. 17.—Dictator Huerta today continued his
efforts to organize a new congress, but is far from succeeding. His action
is taken in disregard of Special Envoy Lind's warnings and an early se-
verance of diplomatic relations is now predicted.
The American embassy staff is ready to leave at a moment's notice.

Wilson Remains Calm and Confident
WASHINGTON, D. C., Nov. 17.—President Wilson remains calmly con-
fident that a peaceful solution of the harassing Mexican problem is pos-
sible and that the elimination of Huerta is certain.

Prisoners Executed at Juarez
EL PASO, Texas, Nov. 17.—Since Juarez was captured by the Con-
stitutionalists last week, there have been 11 executions of federal prison-
ers, according to the admission of the rebels, but Americans at Juarez say
that the number of those executed is really 28.

Carranza Denies Wanton Slaughter
NOGALES, Mexico, Nov. 17.—Gen. Venustiano Carranza, leader of the
Constitutionalists, today denied that there is wanton slaughter of prison-
ers at Juarez. He says that the executions there are probably reprisals.
He absolutely denies that he issued specific instructions for the killings.

Beet Sugar Men Say Cane Sugar Will Drive Them From Business

(Associated Press Cable)
CHICAGO, Ill., Nov. 17.—The annual meeting of the Beet Sugar Man-
ufacturers' Association, which is in session here, today developed a state-
ment that the beet sugar men will be unable to compete with the cane
sugar interests after 1918, when sugar goes on the free list, according to
the new tariff bill. One delegate to the convention has declared that \$100,
000,000 of capital must seek new employment within a year.

King Of Bulgaria, Defeated In War, Gets Ready To Abdicate

(Associated Press Cable)
COBURG, Sax-Coburg, Nov. 17.—Czar Ferdinand of Bulgaria is here in
retirement, and his abdication from the Bulgarian throne is probable. In
that case, Crown Prince Boris will succeed him. Ferdinand has been made
the subject of bitter attack since the Bulgarian war against the other Al-
lies failed.

A. A. U. Elect Coast Sportsman

(Associated Press Cable)
NEW YORK, N. Y., Nov. 17.—John Elliott of San Francisco, a well
known sportsman of the Pacific coast, was today elected vice-president of
the Amateur Athletic Union.

RETIRED AFTER 30 YEARS SPENT IN ONE COMPANY

(Special Star-Bulletin Correspondence)

SCHOFIELD BARRACKS, Nov. 17.
—First Sergeant Robert T. Flint, com-
pany E, 25th infantry, was placed on
the retired list here last week on the
completion of 30 years' service, all of
which time had been spent in the
same company, and the service was
continuous, he having re-enlisted on
the day following the date of his dis-
charge on the completion of two five-
year and four three-year enlistment
periods. He had nearly completed his
seventh enlistment when the receipt
of the war department order placed
him on the retired list of the army.
Sergeant Flint's service began on No-
vember 24, 1888. He was promoted to
the grade of corporal on November
23, 1892, was sergeant and quarter-
master sergeant from January 23,
1895, to January 17, 1913 and was first
sergeant of his company to the day of
his retirement. The retirement of
this splendid old soldier, who is of a
type now fast disappearing from the
ranks of the army, has been made the
occasion of the publication of two
very complimentary orders, one issued
by his company and one by his regim-
ental commander. The former order
appears below:

Schofield Barracks, H. T.

Company E, 25th Infantry.

Special Orders No. 14.

1. Special orders No. 244, dated war

department, Washington, October 18,

1913, has this date placed First Ser-

geant Robert T. Flint on the retired

list.

Sergeant Flint's services in the 25th
infantry has been so uniformly excel-
lent that he deserves and receives
the admiration and respect from his
comrades. He is a veteran of the last
Indian war prior to 1898, and was a
participant in the desperate combat
at El Caney, near Santiago de Cuba,
in 1898, where the Spanish soldiery
lived up to the traditions of a great
fighting race, losing their command-

Attorney McBride After Portion of Kealoha's Salary

(Special Star-Bulletin Wireline)

HILO, Nov. 17.—Attorney Claudius
McBride today asked for a writ of
mandamus ordering the county audi-
tor to issue warrants for 75 per cent
of John Kealoha's salary for the past
four months, amounting to \$150, which
amount is at present held up under
garnishment action. Special Prosecutor
Robert W. Breckons will respond to
the request tomorrow morning. Nor-
man K. Lyman was arraigned and
passed for plea pending the arrival of
his attorney, Frank E. Thompson, who
is expected in Hilu next Monday. Sen-
tence in the case of David Mattson
was passed for one week.

of his command, who literally died in
their tracks.

In his first tour in the Philippines,
which lasted for three years, Sergeant
Flint was already for dangerous duty
and perilous detailed scouting, involv-
ing days and weeks of constant march-
ing and physical discomfort in the
rainy season.

In his second tour in the island of
Mindanao, which lasted for two years,
he especially distinguished himself in
saving Sergeant Ernace Marhevs,
Company E, 25th Infantry, and Cor-
poral Mace Crow, Company M, 25th
infantry, on two different occasions
from drowning in the dangerously
swift current near the old Spanish
stone fort at Malabang. Both of
these soldiers are now members of
this garrison and gratefully acknow-
ledge that Sergeant Flint's heroic ac-
tion in risking his life in going alone
to their rescue saved them from cer-
tain drowning.

Sergeant Flint deserves the highest

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JAPANESE AVIATOR MAKES NIGHT FLIGHT

(Special cable to the Nippon Jiji)
TOKIO, Japan, November 17.—
Lieutenant Sakamoto, a member of
the aviation corps of the Japanese
army, made a successful flight at 9
o'clock last night at the Nagoya avi-
ation field, his performance being wit-
nessed by thousands of persons.
Searchlights were played on the